

SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
MAY 12, 2022
5:00 p.m.
WORK STUDY 4:00 p.m.

SUMNER COUNTY ADMINISTRATION BUILDING
ROOM 112
355 N. BELVEDERE DRIVE
GALLATIN, TN. 37066

MEMBERS PRESENT:
BRUCE RAINEY, CHAIRMAN
SANDY WEBSTER, VICE-CHAIRMAN
MAC HOLT
JIM HARRISON

MEMBERS ABSENT:
SHAWN UTLEY

STAFF PRESENT:
JOSH SUDDATH, DIRECTOR OF DEVELOPMENT SERVICES
KATHY YOUNG, ASSISTANT TO THE DIRECTOR OF DEVELOPMENT SERVICES
MARSHALL BOYD, COUNTY ENGINEER

Mr. Rainey called the meeting to order and stated that with one member absent, there is a quorum.

Ms. Webster made a motion to approve the April Minutes, seconded by Mr. Harrison.
The motion passed unanimously.

Mr. Rainey asked if there were any changes to the Agenda.

Mr. Suddath stated there were no changes, and added that a citizen letter was received and put in the member packets regarding Item #3.

Upon confirming that there were no changes to the Agenda, Mr. Rainey then explained the Consent Agenda.

CONSENT AGENDA:

1. **Nickie Brown** is requesting a continuation of a Conditional Use Permit granted on March 13, 2008, to operate a portable and site sawmill service. Subject property is located at **120 Hardison Way, Cottontown, TN, 37048** is on Tax Map 101, Parcel 009.02, contains 1.76 acres, is zoned Rural Residential and is in the 4th Commission Voting District (Jerry Foster and Leslie Schell)
The adjoining property owners were notified by regular mail.
2. **Curtis McMahon** is requesting a continuation of a Conditional Use Permit granted on March 11, 2010, to conduct an event venue on the subject property to teach the State of Tennessee hand gun carry class from his home. Subject property is located at **140 B & L Lane, Portland, TN, 37148**, is on Tax Map 059, Parcel 078.05 contains 5.99 acres, is zoned Rural Residential (RR) and is in the 12th Voting District (Michael Guthrie and Justin Nipper).
The adjoining property owners were notified by mail.

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3. **Hope Walker** is requesting a continuation of a Conditional Use Permit granted on April 12, 2018, to conduct educational animal programs and tours. Subject property is located at **329 Fern Valley Road, White House, TN 37188**, is on Tax Map 077, Parcel 057.03, contains 15.12 acres, is zoned Rural Residential (RR), and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper).

The adjoining property owners were notified by regular mail.

4. **Michael Stinson** is requesting continuation of a Conditional Use Permit granted on March 13, 2008, to operate White House Machine, LLC. Subject property is located at **375 Martin Lane, Cottontown, TN 37048** is on Tax Map 075, Parcel 011.03, contains 6.265 acres, is zoned Rural Residential (RR) and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper)

The adjoining property owners were notified by regular mail.

There being no one wishing to remove or discuss any of the Consent Agenda items, Mr. Harrison made a motion:

- 1) **To approve a request to continue a Conditional Use Permit for 120 Hardison Way, Cottontown for a period of two years, allowing the property owner to utilize the subject property to operate a portable and site sawmill service,**
- 2) **To approve a request to continue a Conditional Use Permit for 140 B&L Lane, Portland for a period of two years, allowing the property owner to utilize the subject property to teach State handgun carry classes,**
- 3) **To approve a request to continue a Conditional Use Permit for 329 Fern Valley Road, White House for a period of two years, allowing the property owner to utilize the subject property to conduct educational animal programs and tours,**
- 4) **To approve a request to continue a Conditional Use Permit for 375 Martin Lane, Cottontown for a period of two years, allowing the property owner to utilize the subject property to operate a machine shop in an existing structure.**

Mr. Holt seconded the motion.

The motion was approved unanimously.

At this time, Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

REGULAR AGENDA:

1. **Jerry Arrington and Pamela Jackson** are requesting a Variance regarding County requirements contained at Chapter 11, Section 1101, Subsection H of the Sumner County Zoning Resolution related to easements. Request is made pursuant to Chapter 14, Section 1404, Subsection D. Property is located at **902C East Robertson Road, Castalian Springs, TN**

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37031, is on Tax Map 154, Parcel 004.00 contains 1 acre, is zoned Rural Residential (RR) and is in the 3rd Commission Voting District (Alan Driver and Steve Graves).

Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, April 28, 2022.

Mr. Suddath provided an overview of the property, beginning by displaying an aerial photo of the property, the Public Notice printed in the newspaper, and a letter from the property owner explaining the reason for the variance request.

Mr. Suddath then explained that County regulations in place since June of 1980 require a standalone easement 50 feet in width or 50 feet of road frontage in order to obtain a building permit. In addition, the same regulations require that the easement may not be utilized to provide access to more than one tract or lot separated by deed. Mr. Suddath explained that the existing easement serves three (3) lots, all of which were created by survey in 1966. Mr. Suddath stated that two (2) of these lots has subsequently been built on.

Next, Mr. Suddath displayed the submitted Variance application and the current wording from Zoning Resolution, Chapter 11, Section 1101, Subsection H, the boundary survey of the property and photos of the property.

Mr. Suddath reviewed the eight Standards for Variances and completed his presentation with example motions, and then turned the meeting over to Mr. Rainey.

Mr. Rainey opened the Public Hearing.

Phillip Kelly, of Kelly and Smith Law Office, introduced the landowners, Jerry Arrington and Pamela Arrington. Mr. Kelly stated that this property is family-owned, explaining that homes have been built on two of the three lots. Mr. Kelly stated the desire to obtain the variance in order to obtain a building permit for one house.

Mr. Rainey asked if anyone else wished to speak.

Mike Brown stated that he owns the 18.35 acres that contains most of the easement for the subject property. Mr. Brown asked if the septic field lines for the subject property must be contained on their property.

Mr. Rainey stated that the BZA could not answer that question, adding that anything done on the property will have to meet current codes.

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Mr. Suddath stated that typically, the septic system and field lines must be contained on the lot. Mr. Suddath added that if the soil area encroaches onto adjoining property, a recorded easement would be required.

There being no one else wishing to speak, Mr. Rainey closed the Public Hearing.

Mr. Rainey stated that this property was created 5-6 years prior to zoning and added that this approval would not violate zoning code, as 1966 survey documents have been provided.

Mr. Harrison made a motion to find that all County variance standards are met and to approve a request for an easement variance (Chapter 11, Section 1101, Subsection H) in accordance with the submitted Boundary Survey for 902C East Robertson Road contingent upon:


- a) All required Zoning, Building and Land Disturbance Permits must be obtained from the applicable County departments for any future construction.**

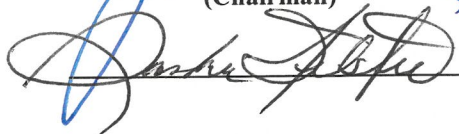
Ms. Webster seconded the motion.

The motion passed unanimously.

There being no further business before the Board, Ms. Webster made a motion to adjourn, seconded by Mr. Holt.

The meeting adjourned unanimously at 5:16 pm.

APPROVED BY  DATE 6-9-2022
(Chairman)

 DATE 6-9-2022